

## AMENDMENTS

### In the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A marking tape measure comprising:

a housing for containing a measuring tape therein, said housing comprising a front wall defining a tape blade aperture;

a measuring tape having measuring indicia thereon, said measuring tape extendable through said tape blade aperture, wherein said measuring tape is configured to be extendible in a first direction out of the housing with the remainder of the tape being coiled in said housing, wherein said wheel is disposed generally perpendicular to said first direction; and

a marker attaching to said housing, said marker comprising at least one wheel for rotationally applying a mark to a surface to be marked and at least one marking indicia applicator for applying a marking indicia to said wheel, wherein said mark is generally perpendicular to said first direction, wherein said marking indicia applicator is configured to transfer said marking indicia to said wheel, wherein said wheel subsequently rotationally transfers said marking indicia to said surface to be marked thereby creating said mark.

2. (Canceled)

3. (Original) The marking tape measure of claim 1, wherein said wheel is disposed on an axle.
4. (Original) The marking tape measure of claim 1, wherein said wheel is generally circular, having a circumference defining a rim, said rim having a width.
5. (Original) The marking tape measure of claim 4, wherein said rim width is generally perpendicular to the rotation of said wheel.
6. (Original) The marking tape measure of claim 4, wherein said rim width defines a circumvolving channel.
7. (Original) The marking tape measure of claim 6, wherein said marking indicia applicator comprises a ball-point pen.
8. (Original) The marking tape measure of claim 7, wherein said ball-point pen comprises a writing ball rotationally disposed in and partially exposed from a pen tip, said ball in fluid communication with a marking indicia reservoir.

9. (Original) The marking tape measure of claim 8, wherein said partially exposed writing ball is configured to roll along said channel thereby communicating ink to said wheel rim.
10. (Original) The marking tape measure of claim 5, wherein said marking indicia applicator comprises a ball-point pen style applicator for applying a fluid marking indicia.
11. (Original) The marking tape measure of claim 10, wherein said ball-point pen style applicator comprises a writing ball rotationally disposed in and partially exposed from a pen tip, said ball in fluid communication with a marking indicia reservoir.
12. (Original) The marking tape measure of claim 11, wherein said partially exposed writing ball is configured to roll along said wheel rim thereby communicating ink to said wheel rim.
13. (Original) The marking tape measure of claim 1, wherein said marker is integral to said housing.
14. (Original) The marking tape measure of claim 5, wherein said marking indicia applicator comprises a mechanical pencil.

15. (Original) The marking tape measure of claim 14, wherein said mechanical pencil comprises a solid marking indicia configured to be held in frictional engagement with said wheel rim, wherein rotation of said wheel causes deposition of said solid marking indicia upon said wheel rim, wherein further rotation of said wheel results in transfer of said solid marking indicia as a mark to a surface to be marked.

16. (Original) A marking tape measure comprising:

a housing for containing a measuring tape therein, said housing comprising a front wall defining a tape blade aperture;

a measuring tape having measuring indicia thereon, said measuring tape extendable through said tape blade aperture in a first direction out of the housing with the remainder of the tape being coiled in said housing; and

a marker attaching to said housing, said marker comprising:

at least one wheel for rotationally applying a mark to a surface to be marked, wherein said wheel is configured to rotationally transfer said marking indicia to said surface to be marked, said wheel disposed generally perpendicular to said first direction, wherein said wheel is generally circular, having a circumference defining a rim, said rim having a width, said rim width is generally perpendicular to the rotation of said wheel, said rim width defining a circumvolving channel; and

at least one marking indicia applicator configured to apply a liquid marking indicia to said wheel, wherein said marking indicia applicator comprises a ball-point pen style applicator having a partially exposed writing ball configured to roll along said channel thereby communicating said liquid marking indicia to said wheel rim.

17. (Original) A marking tape measure comprising:

a housing for containing a measuring tape therein, said housing comprising a front wall defining a tape blade aperture;

a measuring tape having measuring indicia thereon, said measuring tape extendable through said tape blade aperture in a first direction out of the housing with the remainder of the tape being coiled in said housing; and

a marker attaching to said housing, said marker comprising:

at least one wheel for rotationally applying a mark to a surface to be marked, wherein said wheel is configured to rotationally transfer said marking indicia to said surface to be marked, said wheel disposed generally perpendicular to said first direction, wherein said wheel is generally circular, having a circumference defining a rim, said rim having a width, said rim width is generally perpendicular to the rotation of said wheel; and

at least one marking indicia applicator configured to apply a solid marking indicia to said wheel, said marking indicia applicator comprising a mechanical pencil comprising a rod of solid marking indicia configured to be held in frictional engagement with said wheel rim, wherein rotation of said wheel causes deposition of said solid marking indicia upon said wheel rim, wherein further rotation of said wheel results in transfer of said solid marking indicia as a mark to a surface to be marked.